

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

KTB OIL CORPORATION,

Plaintiff,

Case No. 08 Civ 00584 (LAP)

- against -

ORAM TANKER LTD.

**DECLARATION OF  
JAMES D. KLEINER**

Defendant.

-----X

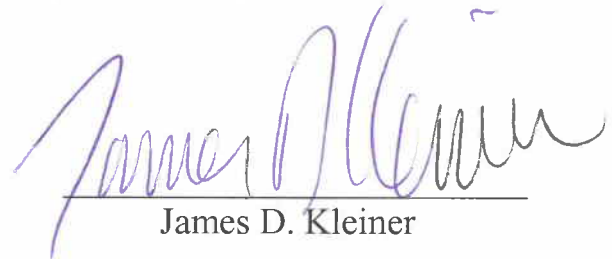
I, JAMES D. KLEINER, declare as follows:

1. I am a partner of Hill, Betts & Nash LLP, counsel for Bauche Energy S.A., and make this declaration in support of its motion to vacate the June 12, 2008 attachment herein of funds and/or the electronic transfer in the hands of BNP Paribas, New York.

2. Annexed hereto, as Exhibit 8, are pages 5-15 of a fax received by my office on June 27, 2008 from BNP Paribas, showing an email from plaintiff's counsel to named individuals, timed 08:41 AM, June 12, 2008, and attaching (1) this Court's January 23, 2008 Order for Issuance of Process of Maritime Attachment; and (2) Process of Attachment and Garnishment, dated

January 24, 2008, issued by the Clerk of the Court, for attachment of property of "Oram Tanker Ltd." in the hands of twenty-one listed garnishee banks.

Dated: June 29, 2008  
New York, New York



James D. Kleiner

# EXHIBIT 1

JUN-27-2008 12:04

BNP PARIBAS

P.05

**Internet**

jvanhemmen@bvgklew.com

06/12/2008 08:41 AM

To Maritime Attachments, reiser, legal.service, jennifer.paley,  
jmiller, lpschock, nmorton, yroman, yholand, mcaldersaro,  
joneill, Mary.B.Mihalik, Rodd.Cornier, pmag, PMAG,

cc

bcc

Subject RE: KTB v. Oram Tanker Ltd., 08 Cv 00584

Ladies and Gentlemen,

Please find attached an order and Process of Maritime Attachment and Garnishment in the referenced matter. Please call if you have any questions.

Regards,

Jeanne-Marie Van Hemmen



- C.htm



- Order-pdf.zip



- Process of Attachment-pdf.zip



- 08 cv 00584 Writ-Order-pdf.zip

(6)

*1105007*

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC  
Attorneys for Plaintiff KTB OIL CORPORATION  
46 Trinity Place  
New York, New York 10006  
(212) 297-0050  
Jeanne-Marie Van Hemmen (JV 6414)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**08 CV 00584**  
08 Civ.

KTB OIL CORPORATION

Plaintiff,

-against-

ORAM TANKER Ltd.

Defendant.

**ORDER FOR ISSUANCE  
OF PROCESS OF  
MARITIME ATTACHMENT**

UPON reading the Verified Complaint for issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Supplemental Rule B"), and the affidavits and papers submitted in support thereof, and the Court finding that the conditions for an action under Supplemental Rule B appear to exist, it is hereby:

ORDERED that the Clerk shall issue Process of Attachment and Garnishment pursuant to Supplemental Rule B as prayed for in the Verified Complaint in the amount of US\$1,482,201.10 against all goods, chattel, credits, letters of credit, bills of lading, debts, effects and monies, funds, credits, wire transfers, accounts, letters of credit, electronic fund transfers, freights, sub-freights, charter hire, sub-charter hire, or any other tangible or intangible property belonging to, claimed by, being held for or on behalf of, or being transferred for the benefit of Oram Tanker Ltd. by any

*(7)*

garnishee within this district, including, inter alia, funds or accounts held in the names of the Defendant with the following financial institutions:

1. Bank of America, N.A.  
c/o Zeighner Ellman & Krause, LLP  
Legal Counsel for Bank of America, N.A.  
575 Lexington Ave., 10<sup>th</sup> floor  
New York, New York 10022
2. Bank of New York-Mellon  
Civil Legal Process - 19<sup>th</sup> fl.  
120 Broadway  
New York, New York 10271
3. Citibank, N.A.  
Legal Service Intake Unit  
1 Court Square, 7<sup>th</sup> fl.  
Long Island City, New York 11120
4. Deutsche Bank Trust Company Americas  
Attn. Legal Dept.  
60 Wall St.  
New York, New York 10005
5. HSBC Bank USA, N.A.  
Attn.: Legal Dept.  
452 Fifth Ave.  
New York, New York 10018
6. JP Morgan Chase Bank, N.A.  
One Chase Manhattan Plaza  
New York, New York 10005
7. UBS AG  
299 Park Ave.  
New York, New York 10171
8. Wachovia Bank, N.A.  
11 Penn Plaza  
New York, New York 10001

9. Societe Generale  
Attn. Andrea Stempel, Esq.  
1221 Avenue of the Americas  
New York, New York 10020
10. Standard Chartered Bank  
Attn.: Legal Dept.  
One Madison Ave. 3<sup>rd</sup> Fl.  
New York, New York 10010
11. BNP Paribas  
Attn.: Theresa DeLace  
787 7<sup>th</sup> Ave.  
New York, New York 10019
12. Calyon Investment Bank  
1301 Avenue of the Americas  
New York, New York 10019
13. American Express Bank  
c/o Zeighner Ellman & Krause, LLP  
Legal Counsel for Bank of America, N.A.  
575 Lexington Ave., 10<sup>th</sup> floor  
New York, New York 10022
14. CommerzBank  
Attn.: Legal Dept.  
2 World Financial Center  
New York, New York 10281
15. ABN Ambro  
Attn.: Legal Dept.  
55 East 52<sup>nd</sup> St.  
New York, New York 10055
16. Bank Leumi USA  
Attn.: Legal Dept.  
562 5<sup>th</sup> Ave. - 4<sup>th</sup> fl.  
New York, New York 10036

17. **Fortis Financial Groups**  
Attn.: Legal Dept.  
520 Madison Ave. - 3<sup>rd</sup> fl.  
New York, New York 10022
18. **Banco Popular**  
Attn.: Legal Dept.  
120 Broadway - 16<sup>th</sup> fl.  
New York, New York 10271
19. **Bank of Tokyo-Mitsubishi UFJ Ltd.**  
Attn.: Legal Dept.  
1251 Avenue of the Americas  
New York, New York 10020
20. **Bank of India**  
277 Park Ave., 1<sup>st</sup> fl.  
New York, New York 10172
21. **State Bank of India**  
460 Park Avenue  
New York, New York 10022

and it is further

**ORDERED** that said Order will be equally applicable to any other garnishees upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to and including US\$1,482,201.10, pursuant to Supplemental Rule B; and it is further

**ORDERED** that any person claiming an interest in the property attached or garnished pursuant to this Order and the Process of Maritime Attachment and Garnishment shall, upon application to the Court, be entitled to a prompt hearing at which Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

**ORDERED** that supplemental process enforcing this Court's Order may be issued by the

10



Clerk upon application without further Order of the Court; and it is further

**ORDERED** that following initial service upon any garnishee by the United States Marshal or any other person designated or authorized by Order to make service in this action, subsequent or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made by the way of facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served; and it is further

**ORDERED** that service on any garnishee herein is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service through the opening of garnishee's business the next business day; and it is further

**ORDERED** that a copy of this order be attached to and served with the said Process of Maritime Attachment and Garnishment; and it is further

**ORDERED** pursuant to Rule 4(c)(1) of the Federal Rules of Civil Procedure that the Process of Attachment and Garnishment may be served by any person, who is not less than 18 years old, and who is not a party to the action.

Dated: New York, New York  
January 23, 2008

SO ORDERED

  
U.S.D.J.

BETANCOURT, VAN HEMMEN, GRECO & KENYON LLC  
Attorneys for Plaintiff KTB OIL CORPORATION  
46 Trinity Place  
New York, New York 10006  
(212) 297-0050  
Jeanne-Marie Van Hemmen (JV 6414)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

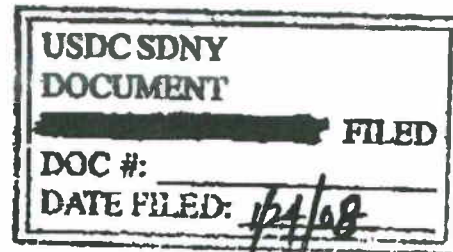
KTB OIL CORPORATION

Plaintiff,

-against-

ORAM TANKER Ltd.

Defendant.



08 Civ. \_\_\_\_\_

**PROCESS OF ATTACHMENT AND  
GARNISHMENT**

**THE PRESIDENT OF THE UNITED STATES OF AMERICA TO THE MARSHAL OF THE  
SOUTHERN DISTRICT OF NEW YORK (OR DESIGNATED PROCESS SERVER)**

**GREETINGS:**

**WHEREAS** a Verified Complaint has been filed in the United States District Court for the Southern District of New York on the 23rd day of January, 2008, by KTB Oil Corporation, Plaintiff, against Oram Tanker Ltd., Defendant, in a certain action for breach of maritime contract wherein it is alleged that there is due and owing from Defendant to Plaintiff the amount of US\$1,482,201.10 and praying for Process of Maritime Attachment and Garnishment against the Defendant, and for the attachment of the goods and chattels of said Defendant;

**NOW, THEREFORE,** we do hereby empower and strictly charge and command you, the said Marshal (or designated process server), to cite and admonish the said Defendant, if it shall be found in your district, to appear before the said District Court, at the U.S. District Courthouse for

the Southern District of New York, New York, New York, that you attach the goods and chattels in this District of Oram Tankor Ltd. to the amount sued for, in the hands of garnishees in this District, specifically including, but not limited to, tangible or intangible assets alleged to be in the possession of the following garnishees:

1. Bank of America, N.A.  
c/o Zeigler Ellman & Krause, LLP  
Legal Counsel for Bank of America, N.A.  
575 Lexington Ave., 10<sup>th</sup> floor  
New York, New York 10022
2. Bank of New York-Mellon  
Civil Legal Process - 19<sup>th</sup> fl.  
120 Broadway  
New York, New York
3. Citibank, N.A.  
Legal Service Intake Unit  
1 Court Square, 7<sup>th</sup> fl.  
Long Island City, New York 11120
4. Deutsche Bank Trust Company Americas  
Attn. Legal Dept.  
60 Wall St.  
New York, New York 10005
5. HSBC Bank USA, N.A.  
Attn.: Legal Dept.  
452 Fifth Ave.  
New York, New York
6. JP Morgan Chase Bank, N.A.  
One Chase Manhattan Plaza  
New York, New York 10081
7. UBS AG  
299 Park Ave.  
New York, New York 10017
8. Wachovia Bank, N.A.  
11 Penn Plaza

13

New York, New York 10001

9. Societe Generale  
Attn. Andrea Stempel, Esq.  
1221 Avenue of the Americas  
New York, New York 10020
10. Standard Chartered Bank  
Attn.: Legal Dept.  
One Madison Ave. 3<sup>rd</sup> Fl.  
New York, New York 10010
11. BNP Paribas  
Attn.: Theresa DeLace  
787 7<sup>th</sup> Ave.  
New York, New York 10019
12. Calyon Investment Bank  
1301 Avenue of the Americas  
New York, New York
13. American Express Bank  
c/o Zeighner Ellman & Krause, LLP  
Legal Counsel for Bak of America, N.A.  
575 Lexington Ave., 10<sup>th</sup> floor  
New York, New York 10022
14. CommerzBank  
Attn.: Legal Dept.  
2 World Financial Center  
New York, New York 10281
15. ABN Ambro  
Attn.: Legal Dept.  
55 East 52<sup>nd</sup> St.  
New York, New York 10055
16. Bank Leumi USA  
Attn.: Legal Dept.  
562 5<sup>th</sup> Ave. - 4<sup>th</sup> fl.  
New York, New York 10036

14

17. Fortis Financial Groups  
Att.: Legal Dept.  
520 Madison Ave. - 3<sup>rd</sup> fl.  
New York, New York 10022
18. Banco Popular  
Attn.: Legal Dept.  
120 Broadway - 16<sup>th</sup> fl.  
New York, New York
19. Bank of Tokyo-Mitsubishi UFJ Ltd.  
Attn.: Legal Dept.  
1251 Avenue of the Americas  
New York, New York 10020
20. Bank of India  
277 Park Ave., 1<sup>st</sup> fl.  
New York, New York
21. State Bank of India  
460 Park Avenue  
New York, New York 10022

and if no goods and chattels can be found, that you attach the debts, credits and effects of Oram Tanker Ltd. to the amount sued for, in the hands of garnishees named in the Verified Complaint as may be found.

You are also directed to notify the said garnishees that:

- (1) A foreign attachment has been commenced against the Defendant Oram Tanker Ltd.;
- (2) The garnishee is required to file in the office of the Clerk of the United States District Court for the Southern District of New York within twenty (20) days from the service of this Process, a report, under oath setting forth in detail all debts owing by the garnishee to the Defendant in the possession, custody or control of the garnishee or to which the garnishee holds legal title; all property which is held by the garnishee as fiduciary in which the Defendant Oram Tanker Ltd. has an interest; and whether

any property attached is immune or exempt from attachment; and

(3) The garnishee is enjoined from paying any debt to or for the account of Defendant, and from delivering any property owned by the Defendant to or for the account of the Defendant or otherwise disposing thereof:

(4) The garnishee is required to promptly forward to Defendant, by any form of mail requiring a return receipt, a copy of this Process, a copy of the Verified Complaint, and a copy of the Summons.

Amount of Plaintiff's claim: US\$ 1,482,201.10, including estimated interest, expenses and attorneys' fees.

Clerk

By:

J. Michael McMahon  
Deputy Clerk

1/24/08  
Date

Jeanne-Marie D. Van Hemmen (JV 6414)  
Betancourt, Van Hemmen, Greco & Kenyon LLC  
46 Trinity Place  
New York, New York 10006  
Tele: (212) 297-0050  
Fax: (732) 530-9536  
Attorneys for Plaintiff

(16)